

**To:** Lee, Eugene[Lee.Eugene@epa.gov]; Irizarry, Gilberto[Irizarry.Gilberto@epa.gov]  
**Cc:** Tulis, Dana[Tulis.Dana@epa.gov]; Woodyard, Josh[Woodyard.Joshua@epa.gov]; Guy, Kerry[Guy.Kerry@epa.gov]  
**From:** Ostrander, David  
**Sent:** Mon 10/19/2015 8:17:49 PM  
**Subject:** RE: Correspondence tracker call

Thanks for checking into this. Just need resolution asap.

Thanks

**From:** Lee, Eugene  
**Sent:** Monday, October 19, 2015 1:47 PM  
**To:** Irizarry, Gilberto; Ostrander, David  
**Cc:** Tulis, Dana; Woodyard, Josh  
**Subject:** RE: Correspondence tracker call

Spoke with OGC (Jennifer H) and she has a call-in to OMB (privacy act folks) who apparently are in a position to make the call on whether the work can continue while the issue is being addressed. There is a call scheduled tomorrow afternoon to brief up OGC and R8 Regional Counsel on the latest, including work to get the system properly noticed in the FR. OGC will keep us in the loop on the call and outcomes.

Understand that R8 RC is recommending the most conservative approach to hold on further work until OGC hears from OMB.

David – Let us know if you'd like to set-up a call for later today to discuss further.

EL

**From:** Irizarry, Gilberto  
**Sent:** Monday, October 19, 2015 3:01 PM  
**To:** Ostrander, David; Lee, Eugene  
**Cc:** Tulis, Dana; Woodyard, Josh  
**Subject:** RE: Correspondence tracker call

Adding Josh here .... Will give you a call as soon as we can ...

Thanks,

Gilberto "Tito" Irizarry, Director

Preparedness & Response Operations Division (PROD)

Office of Emergency Management (OEM)

U.S. Environmental Protection Agency

O: 202-564-7982

C: 202-821-8138

**From:** Ostrander, David  
**Sent:** Monday, October 19, 2015 2:56 PM  
**To:** Irizarry, Gilberto; Lee, Eugene  
**Cc:** Tulis, Dana  
**Subject:** FW: Correspondence tracker call

I could really use some help here. OGC and ORC are having us shut down all use of data systems that includes information on property names and addresses. This looks to affect our Scribe data systems which has big implications. I talked briefly to Eugene on Friday and I know OGC and ORC are working this issue, but I don't think they always understand the implications to the superfund and removal programs.

Thanks, call me and we can discuss what to do here.

David

**From:** Guy, Kerry  
**Sent:** Monday, October 19, 2015 12:11 PM  
**To:** Boydston, Michael; Ostrander, David; Lee, Eugene; Hammitt, Jennifer  
**Cc:** Christenson, Dave; Peterson, Cynthia; Logan, Paul; MacLeish, Phoebe; Wall, Dan; Kappelman, David  
**Subject:** Re: Correspondence tracker call

David, per your direction I have directed START to take the Correspondence Tracker offline. This action essentially cuts off the local agencies and health, such as San Juan Basin Health, from addressing questions from the public on their well data. San Juan Basin Health informed me they use it on a daily basis. Taking the tracker off-line will make it more difficult to complete our final scrub of the letters that need to go out to residents and to collaborate on issues with the local agencies. San Juan Basin Health will definitely want future use to the data base as they move forward with their plans to continue advising well users in the basin.

IC can still limp along with SCRIBE, however, please be aware,

the correspondence tracker pulls from SCRIBE. SCRIBE is the source of all the information. Shutting down scribe will basically shut off data access to all three regions (8,9,6) as well as the mine operations and mine data (such as the adit data) and viewers. It would take a couple paragraphs to tell you all the varied implications of shutting the site data base down.

I talked to Joe Shaeffer, ERT, who runs SCRIBE for EPA, and he could not indicate to me that SCRIBE was an "authorized system".

Please provide direction on the SCRIBE data base and what "**shutting down**" means if that is the direction. There are more than a few "subscribers" who have had access to the data base (mostly who have worked in the EU) and who have a copy on their computer. All have demobilized at this point.

Kerry Guy

IC Gold King Mine

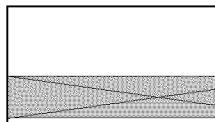
OSC, Region 8

303-808-3831

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**From:** Boydston, Michael  
**Sent:** Friday, October 16, 2015 11:44 AM  
**To:** Ostrander, David; Lee, Eugene; Hammitt, Jennifer  
**Cc:** Guy, Kerry; Christenson, Dave; Peterson, Cynthia; Logan, Paul; MacLeish, Phoebe  
**Subject:** RE: Correspondence tracker call

David – Thanks. Yes, we'll call you after. I'm not aware that Scribe is on the list of authorized systems at <http://www2.epa.gov/privacy/epa-federal-information-systems> — it isn't by that name, anyway — but we can discuss that.

	<b>EPA Federal Information Systems   EPA's Implementation of ...</b>
	Discover EPA systems of record, published notices in the federal register, and privacy impact assessments for all of the information systems in each EPA office. <a href="#">Read more...</a>

Meanwhile, our recommendation is still to take the correspondence tracker DB offline as soon as possible to avoid some potentially serious Privacy Act issues. Can this be done today?

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Michael Boydston

Associate Regional Counsel, EPA Region 8

303.312.7103

**From:** Ostrander, David  
**Sent:** Friday, October 16, 2015 11:13 AM  
**To:** Boydston, Michael; Lee, Eugene; Hammitt, Jennifer  
**Cc:** Guy, Kerry; Christenson, Dave; Peterson, Cynthia  
**Subject:** Correspondence tracker call

Michael, we just had a call with IC and county and health department. Can we talk again today after you and Jennifer have a chance to do some more research? A question came up: we use a Scribe database system to collect and manage environmental information. Has that system for response data been publicly noticed? Maybe someone from OEM could help with this question.

Eugene, if you call me I can fill you in details of our legal problem. Here are some questions from legal we were working through.

303-888-9906

To resolve the issues discussed by email yesterday. Questions include:

- Is the correspondence tracker a Privacy Act system of records?
- If so, is it covered by any existing system of records notice?
- How will we address more general privacy concerns that may be involved?
- Is there anything in the incident command framework, or in any written agreement or similar document between EPA and the non-EPA personnel involved, that would address privacy and confidentiality issues?
- Did the residents consent to any sort of distribution of any personal information we collected?

**From:** Christenson, Dave  
**Sent:** Friday, October 16, 2015 10:39 AM  
**To:** Guy, Kerry; Ostrander, David  
**Subject:** Correspondence tracker call - now

Call in

Code

Dave Christenson,  
  
ESAT & Superfund Records contracts Project Officer  
  
(303) 312-6645

Vice President,  
  
AFGE Local 3607  
  
<http://afge3607.org>

dave.christenson AT gmail.com